

Amendment  
Serial No. 10/624,885  
Attorney Docket No. 030837

REMARKS

By the present amendment, claim 1 has been amended by incorporating therein the subject matter of claim 6. Accordingly, claim 6 has been cancelled.

Further, claims 2 and 5 have been amended to replace “(absolute value)” by “in absolute value” and claim 7 has been amended to replace “(normal direction)” by “which is the normal direction.”

Also, new claims 16-17 have been added. Support for the new claims is found in the original application, for example on page 8, lines 17-19.

Claims 1-5 and 7-17 are pending in the present application. Independent Claim 1, and claims 2-5, 7-9 and 16-17 dependent directly or indirectly thereon, are directed to an anisotropic light scattering element. Claim 10, and claims 11-12 dependent thereon, are directed to an anisotropic light scattering polarizing plate and are dependent directly or indirectly on claim 1. Claims 13 and 14 are directed to an image display device and are dependent on claim 1 or 10. Claim 15 is directed to an organic EL display device and is dependent on claim 1 or 10.

In the Office Action, claims 2, 5, and 7 are objected to for including recitations in parentheses.

The terms “(absolute value)” and “(normal direction)” have been replaced by “in absolute value of” and “which is the normal direction.” Accordingly, it is submitted that the objection should be withdrawn.

Next, in the Office Action, claims 1-6, 8-13, and 14 are rejected under 35 U.S.C. 103(a) as obvious over US 2001/0004299A1 ("Miyatake'4299") in view of US 6,281,956 to Ohmuro et al. ("Ohmuro"), claim 7 is rejected under 35 U.S.C. 103(a) as obvious over Miyatake'4299 in view of Ohmuro, further in view of US 5,179,456 to Aizawa et al. ("Aizawa").

Also, claims 1, 2, 6, 10, 14, and 15 are rejected under 35 U.S.C. 103(a) as obvious over US 2002/0008807A1 ("Miyatake'8807") in view of US 6,281,956 to Ohmuro et al. (Ohmuro).

It is alleged in the Office Action that each of the Aizawa references discloses an anisotropic light scattering element as recited in claim 1, and Ohmuro discloses a birefringent protective layer for a polarizer, so that it would have been obvious to use the protective film of Ohmuro with the optical element of Aizawa as it is "typical, commonly available, easy to obtain protective film."

Reconsideration and withdrawal of the rejections is respectfully requested. First, neither Aizawa nor Ohmuro provides a motivation to combine the references, and second, even if, *arguendo*, a person of the art attempted to combine Ohmuro and Aizawa, this would not result in the presently claimed invention because the film of Ohmuro does not have a phase difference property as in the present invention.

Specifically, Ohmuro discloses that "[a] typical TAC film has a positive retardation R of 5-15 nm in the in-plane direction and a negative retardation R' of 38-50 nm in the thickness direction" (Ohmuro at col. 18, lines 14-17). Accordingly, a phase difference in a 30° direction for the typical TAC film of Ohmuro is 9.6 to 21 nm, as calculated for a TAC film having an

average refractive index of 1.49 and a thickness of 80  $\mu\text{m}$ . These results are obtained by calculating  $n_x$ ,  $n_y$ , and  $n_z$  from the phase difference values as disclosed in the reference and by performing a calculation based on the cross section of an index ellipsoid, with respect to a light beam entering from the direction of  $30^\circ$ .

In contrast, in the presently claimed invention, the birefringent layer has a phase difference in a  $30^\circ$  direction of at least  $1/10$  wavelength, as recited in present claim 1. For example, in the birefringent layer according to Example 1 of the present specification, the retardation in the thickness direction is about 900 nm, the phase difference (in-plane positive retardation) with respect to a light beam entering from the normal direction is 1 nm, and the phase difference in a  $30^\circ$  direction is 100 nm, which is within the range of at least  $1/10$  wavelength (see page 20, line 33 to page 21, line 2 of the present specification).

Further, an advantage of the presently claimed invention is that, by the combination of the birefringent layer and the light scattering layer as recited in the present claims, it is possible to obtain scattering changes that are dependent on the polarization. These features of the presently claimed invention are not taught or suggested in the cited references, and their advantages are completely unexpected in view of the cited references. Therefore, the present claims are not obvious over the cited references taken alone or in any combination.

In view of the above, it is submitted that the rejections should be withdrawn.

In conclusion, the invention as presently claimed is patentable. It is believed that the claims are in allowable condition and a notice to that effect is earnestly requested.

Amendment  
Serial No. 10/624,885  
Attorney Docket No. 030837

In the event there is, in the Examiner's opinion, any outstanding issue and such issue may be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of the response period. Please charge the fee for such extension and any other fees which may be required to our Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



Nicolas E. Seckel  
Attorney for Applicants  
Reg. No. 44,373

**Atty. Docket No. 030837**  
**Customer No.: 38834**  
1250 Connecticut Avenue NW Suite 700  
Washington, D.C. 20036  
Tel: (202) 822-1100  
Fax: (202) 822-1111  
NES:rep